

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Mert Duymayan,

Plaintiff,

v.

Westland Real Estate Group,

Defendant.

Case No. 2:25-cv-00728-ART-BNW

ORDER

Plaintiff brings this lawsuit and moves to proceed *in forma pauperis* (“IFP”). See ECF No. 1. Plaintiff submitted the affidavit required by 28 U.S.C. § 1915(a) showing an inability to prepay fees or costs or give security for them. Accordingly, the Court will grant his request to proceed *in forma pauperis*. The Court now screens Plaintiff’s complaint (ECF No. 1-1).

I. Analysis

A. Screening standard

Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must “contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting *Iqbal*, 556 U.S. at 678).

1 In considering whether the complaint is sufficient to state a claim, all allegations of
2 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar*
3 *Summit P'ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).
4 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff
5 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.
6 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*
7 Unless it is clear the complaint's deficiencies could not be cured through amendment, a pro se
8 plaintiff should be given leave to amend the complaint with notice regarding the complaint's
9 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

10 **B. Screening the Complaint**

11 Plaintiff's complaint contains few factual allegations. *See* ECF No. 1-1. He appears to be
12 complaining of living conditions at the place where he is residing. In turn, it would seem Plaintiff
13 is claiming there has been a breach of a residential contract—but he does not make mention of
14 any type of agreement or what the provisions of that agreement may be. In addition, to the extent
15 Plaintiff is attempting to state a claim on a different theory of liability, it is not clear what that
16 theory might be. In short, even liberally construing Plaintiff's complaint, it does not state
17 sufficient factual allegations about the underlying dispute and the defendant's role in the matter to
18 state a claim.

19 If Plaintiff chooses to file an amended complaint, the document must be titled "Amended
20 Complaint." The amended complaint must contain a short and plain statement describing the
21 underlying case and each of the defendant's involvement in the case. *See* Fed. R. Civ. P. 8(a)(2).
22 That is, he must articulate what kind of action he is bringing against the defendant and provide
23 facts in support of that claim. Although the Federal Rules of Civil Procedure adopt a flexible
24 pleading standard, Plaintiff still must give defendant fair notice of his claims against it and of
25 Plaintiff's entitlement to relief.

26 Additionally, Plaintiff is advised that if he files an amended complaint, the original
27 complaint (ECF No. 1-1) no longer serves any function in this case. As such, the amended
28 complaint must be complete in and of itself without reference to prior pleadings or other

documents. The Court cannot refer to a prior pleading or other documents to make Plaintiff's amended complaint complete.

II. CONCLUSION


IT IS THEREFORE ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court must detach and separately file Plaintiff's complaint (ECF No. 1-1).

IT FURTHER ORDERED that Plaintiff's complaint is dismissed without prejudice.

IT IS FURTHER ORDERED that if Plaintiff wishes to file an amended complaint, he must do so by May 30, 2025. Failure to comply with this order will result in a recommendation that this case be dismissed.

DATED: April 30, 2025


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE